

# Court of Appeals, State of Michigan

## ORDER

Stanley Nokielski v John Colton

Docket No. 294143

LC No. 08-003177-NI

Peter D. O'Connell  
Presiding Judge

William C. Whitbeck

Alton T. Davis  
Judges

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The Court orders that the motion to dismiss is DENIED. Contrary to the essential premise of the motion to dismiss, appellants were not required to file an appeal from the April 24, 2009 order granting summary disposition to appellees in order to challenge that order in this appeal or to reference that April 24, 2009 order in the claim of appeal. Rather, appellants are free to challenge the April 24, 2009 order as part of their appeal of right from the subsequent final order dated September 2, 2009 and entered September 3, 2009. *Green v Ziegelman*, 282 Mich App 292, 301 n 6; 767 NW2d 660 (2009). The reference to the June 29, 2009 order granting summary disposition to Cincinnati Insurance Company in the claim of appeal is mere surplusage without legal significance. Likewise, that appellants provided a copy of that June 29, 2009 order with the claim of appeal has no legal effect. Further, appellants were not required to provide a copy of the April 24, 2009 order with the claim of appeal in order to challenge it on appeal. Rather, appellants were only required to provide a copy of the September 3, 2009 order appealed from. See MCR 7.204(C)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 17 2009  
Date

*Sandra Schultz Mengel*  
Chief Clerk